

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIRANDA FRANCO,

Plaintiff,

v.

CV 12-819 WPL

CAROLYN W. COLVIN, Acting Commissioner
of the Social Security Administration

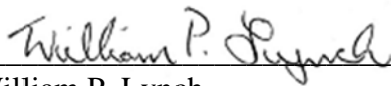
Defendant.

ORDER

This matter is before the Court on Miranda Franco's motion for an award of attorney fees under the Equal Access to Justice Act ("EAJA"). (Doc. 29.) The Commissioner does not object to the motion. (Doc. 30.) Having reviewed the motion, the response, and the record, I find that an award of fees is appropriate and that the amount of fees requested is reasonable.

IT IS THEREFORE ORDERED THAT the motion is GRANTED and Franco is awarded \$6,578.00 in attorney fees under EAJA, 28 U.S.C. § 2412(d). *See Astrue v. Ratliff*, --- U.S. ---, 130 S. Ct. 2521, 2525-27 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT if Franco's counsel receives attorney fees under both EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Franco's counsel shall refund the smaller award to Franco pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.